



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF COMMUNITY HEALTH
LANSING

JANET OLSZEWSKI
DIRECTOR

CHILDHOOD LEAD POISONING PREVENTION AND CONTROL COMMISSION

COMMISSION MEETING

January 11, 2007

1:00 – 4:30 p.m.

**Michigan Public Health Institute
2436 Woodlake Circle, Suite 380**

Meeting Minutes

COMMISSIONERS PRESENT

Randy Ray Barst
Carole Ann Beaman Ph.D, LLP
Joan Dyer
Bruce C. Jeffries
Clay Powell
Robert D. Sills
Laurel R. Sproul
Kimberlydawn Wisdom, M.D., M.S.

COMMISSIONERS ABSENT

Darryl K. Gallant

STAFF

Donna Strugar-Fritsch
Amy Wiles
Mary Scoblic

INVITED GUESTS

Lynelle Marolf - MDEQ

PUBLIC

Connie Reno – City of Detroit
Paul Haan – Healthy Homes Coalition,
WMI
Robert Lantzy – Buckfire and Buckfire
P.C.
Debby Behringer – MDCH, CLPPP
Eric Johnson – City of Detroit
Sharon Hudson – MDCH, CLPPP
Wesley Priem – MDCH, LHHS
Michelle Borgialli – MDCH, LHHS

I. WELCOME AND INTRODUCTIONS

The meeting was called to order at 1:00 p.m. by chair Dr. Wisdom.

Commissioner Randy Ray Barst, director of Saginaw County Human Services, was introduced. Commissioner Barst is replacing former Commissioner, Denise Chambers.

II. MEETING OVERVIEW

Dr. Wisdom reviewed the meeting objectives and agenda, noting that public comment would be limited to the specified period.

III. MEETING MINUTES

Minor corrections were noted to the minutes of the September 26, 2006 meeting.

MOTION: Bruce Jeffries moved to approve the minutes of September 26, 2006 with changes as noted.

SECOND: Laurel Sproul

MOTION APPROVED

IV. UPDATES ON COMMISSION PRIORITIES

A. Testing High-Risk Children for Elevated Blood Lead Levels

Commissioners received December 2006 report in Medicaid Blood Lead Testing report, noting that improvements within Medicaid Health Plans continue to exceed results in Fee-for-Service.

Adding Lead Testing Data to Michigan Care Improvement Registry (MCIR)

Lead testing results have been successfully added to MCIR and are being used by providers. The registry now contains over 1 million records. MCIR staff are actively addressing operational “glitches” and will evaluate the added function.

Web-Based Course on Lead Testing Protocols for Physicians

Development is well under way and is scheduled for completion in February. Commissioners noted the importance of widespread marketing of the course, through professional organizations, MDCH, and other means.

Efforts to Increase Testing of Children Enrolled in Fee-for-Service Medicaid

Staff continue to explore methods to inform FFS providers when children are due for testing, and are including WIC sites.

Barriers to Lead Testing in Local Public Health and Among Other Providers

Workgroup has completed a report with recommendations to remove existing barriers. Recommendations will be incorporated into Commission’s annual report.

Covering Lead Testing to State Employee Health Benefits

Following correspondence from the Commission, the Office of the State Employer has agreed to require coverage of testing high-risk children to the state’s benefits. This change will become effective October 2008.

Covering Lead Testing to MICHild Benefits

Medicaid and Commission staff are working on correspondence to MICHild carriers to require testing of high-risk children and to provide access to testing information. Correspondence is planned for distribution by mid-February.

Status of Mandatory Testing of Children Receiving WIC Benefits

Most WIC clinics have begun testing children with Medicaid coverage, and a few are testing children without health benefits. Many are precluded from testing children without a source of reimbursement. MDCH is working to identify sources of funding for WIC beneficiaries who do not have health insurance. The Commission will support MDCH’s activities and will include the unfunded obligation in its funding target.

B. New Sources of Sustainable Funding

Public Health Trust

MPHI is working to incorporate the trust and will next appoint a board of directors.

Identifying New Sources of Low Interest Loans for Remediation of Lead

MDCH staff prepared an initial set of recommendations, and Commissioners will see more detailed recommendations at their next meeting.

C. Education

Engaging Remodeling Retailers in Public Awareness

This is the focus of MDCH's 2007 public education campaign. Materials have been developed and are being produced. Staff noted that public education funds have been reduced, which will decrease the degree of dissemination of materials. Commissioners agreed to address this issue in their annual report.

D. Property Owner Inducements to Remediate Lead Hazards

Training session on PA 434 to all public health officers

Wayne county Prosecutor Mary Morrow provided a presentation to the MALPH Board of Directors in December, which was very well received. She has offered to advise any other organization as well. MDCH's Lead and Healthy Homes Section has funds available to conduct meetings. Staff will pursue.

Liabilities and Protections Document

No activity as of yet.

Housing Registry

Wes Priem reported that the registry is expected to become operational this month. However, MDCH legal analysts have determined that the law mandating the registry limits the properties required in the registry to rental properties only, thereby reducing the listings from 14,000 to 1,300. He noted that most registries in the country are limited to rental properties, but that the status of ownership of a given property frequently fluctuates between owner-occupied and rental.

Commissioner Jeffries noted that there might be privacy issues associated with required disclosure of lead hazard in owner-occupied homes. Also, Commissioners noted that the legislated name "Lead Safe Housing Registry" is misleading and should be changed.

MOTION: Clay Powell moved that the Commission request MDCH to investigate the feasibility of adding owner-occupied residences to the lead registry, and make a recommendation to the Commission by March 1, 2007.

SECOND: Randy Barst

MOTION APPROVED

MOTION: Clay Powell moved that the Commission recommend that the enabling legislation for the housing registry be modified to re-name it to more accurately reflect its contents.

SECOND: Randy Barst

MOTION APPROVED

E. Government Programs

Update on implementing new "lead-safety" requirements in DHS inspections and authorizations
Commissioner Barst reported that the DHS rule requiring that a child or family with a child less than age 6 may be placed into State Emergency Relief housing or Foster Care unless the property has been documented to be lead-safe, which was to become effective January 1, 2007, has been delayed until July 1, 2007. He is not certain of the reason. Mary Scoblic and Commissioner Barst will work with DHS to resolve outstanding issues.

Memorandum of agreement between MDCH/MDEQ re: notification of lead remediation activities in or proximal to residential settings

A draft memorandum is under review at MDCH.

Best practices discussions

Staff work has taken place within MDCH and MSHDA, and Commissioner Jeffries will provide a complete report at the March meeting.

EarlyOn and MDCH work together to maximize services to children with EBLL

Commissioner Beamon reported that much progress has been made in identifying service gaps and eliminating them; efforts continue.

V. RESEARCH AND NEW RECOMMENDATIONS

A. New Sources of Funding

Coordination with Department of Environmental Quality

Lynelle Morolf, MDEQ Assistant Division Chief, Remediation and Redevelopment Division, described major funding proposal under development by MDEQ, to functionally replace the Clean Michigan Initiative (CMI), whose funds are exhausting. MDEQ requires \$100 million per year to maintain its current level of clean-up, which enables progress but does not provide sufficient funding to address the backlog of contaminated sites. MDEQ is currently exploring about 12 funding options, several of which integrate or duplicate funding alternatives under discussion by the Commission.

Ms. Morolf stated that funds for lead paint abatement are expected to be part of the request, and that MDEQ sees investment in lead hazard abatement as extremely cost-efficient. Nine counties had been funded for abatement with CMI funds in the past. Currently only four are, but not using CMI funds. CMI Funds have not been provided for education, testing or administration.

MDEQ expects to seek legislative action after the FY 08 budget is complete.

MOTION: Commissioner Dyer moved that the Commission formally collaborate with MDEQ to integrate funding recommendations.

SECOND: Commissioner Jeffries

MOTION APPROVED

Ms. Morolf will provide an update at the next meetings, and will be included in Commission discussions on funding targets and possible sources.

Staff will prepare formal correspondence from the Commission to MDEQ Director Chester on the matter.

New Source of Funding

Commissioner Dyer reviewed recommendations from the Commission subcommittee regarding potential sustainable sources of funding lead poisoning prevention and control efforts.

Recommendations included:

- Directing funds from fines and penalties to lead prevention and control efforts
- Imposing fees on historic sources of lead contamination (tax on purchase of paint)
- Imposing fees on real estate transactions (transfer tax, mortgage fee, fee at recording of deed)
- Imposing fees on professional licenses related to real estate and remodeling
- Creating a Special Real Estate Funding Mechanism (property tax)
- Securing one-time federal earmarks for lead poisoning prevention and control

- Community Banking contributions to lead hazard abatement

After thorough discussion, the Commission cast votes indicating support or opposition to each. Results are displayed below.

	Support	Oppose
1. Fines and Penalties	6	2
2. Real Estate Transactions		
a. Transfer Tax	3	5
b. Mortgage Fee	3	5
c. Recording of deeds	3	5
3. Licenses (real estate and contractors	3	5
4. Real Estate Property Tax	1	7
5. Federal Earmark	8	0
6. Community Banking Donation	8	0
7. Paint Tax	7	1

The subcommittee will further explore potential revenue and political ramifications of those recommendations supported by the Commission:

- Fines and penalties
- Federal Earmark
- Community Banking Donation
- Paint Tax

Tax Credits for Property Owners Conducting Lead Remediation

Commissioner Powel presented a memorandum regarding a subcommittee's study of previous Michigan legislation to provide tax credits to property owners for lead hazard abatement, suggested changes to future drafts of legislation, and work to be completed to move the issue forward.

MOTION: Commissioner Sproul moved to accept the subcommittee recommendations.

SECOND: Commissioner Dyer

MOTION APPROVED

Subcommittee will proceed to estimate the tax credit cost, extrapolating from the experience of other states.

Property Maintenance Code Issues

Staff have discussed the Commission's recommendation to more strongly and uniformly enforce property maintenance codes across the state with the Michigan Association for Local Public Health, Michigan Rental Property Owners Association, and the Wayne County Prosecutor's Office.

Dr. Wisdom recently sent a letter to DLEG explaining the Commission's position and inviting DLEG to actively participate in a work group to explore the issue asking how property maintenance code enforcement works and where the leverage resides.

Commissioner Powell recommended that the Michigan Municipal League also be involved, and volunteered to contact them. Guest Eric Johnson, City of Detroit, volunteered to participate, and guest Paul Haan noted that the CDC has done work on this issue.

Staff will convene a workgroup of these organizations, and bring a report to the next meeting.

Education and Training

It was noted that as the Commission's initiatives become implemented, training and education must follow. Funding considerations should provide for training and education.

VI. FRAMEWORK FOR MARCH 2007 REPORT TO LEGISLATURE

Staff suggested framing the March 2007 report as an integrated package of recommendations to occur over the following 18 months. The report will begin with the integrated proposal, followed by rationale, and including updates of progress on matters begun last year.

Staff will prepare a draft for review at the next meeting, and will also prepare a shell of a long-term state plan to eliminate lead poisoning. The MDEQ funding issue will be part of the long-term plan will have a draft report and a shell of a byproduct to keep working on. The long-term piece is where the MDEQ piece will come in.

VII. OTHER BUSINESS

Commissioner Wisdom noted that the Commission is set to sunset as of July 1, 2007. Commissioners agreed that their work will not be complete at that time, and agreed to recommend continuation of the Commission in the annual report, and also that membership be broadened to include a pediatric physician and persons representing the Michigan Municipal League, remodeling contractors, DLEG, and MDOE.

Commissioner Wisdom noted that the staffing funds for the Commission will very likely exhaust before July 1. Commissioners support seeking additional funds to enable the workplan to be completed.

VIII. PUBLIC COMMENT

Eric Johnson, City of Detroit Planning and Development Department announced that Detroit has been awarded a \$4 million HUD grant for remediation, the largest of twelve awards throughout the country. He also noted that the Detroit City Council recently amended the code of health and sanitation to assess fines on property owners for non-compliance with lead hazard codes. He will provide staff with the code language.

IX. MEETING SUMMARY

Chairperson Wisdom summarized the next steps, which will include establishing funding targets. Commissioner Dyer, Paul Haan, Wes Priem will work with staff on a proposal.

Commissioner Powell volunteered to convene attorneys to draft a document of legal liabilities and protections on property owners.

The next meeting of the Commission will be Monday March 12, 2007, 1:00 – 4:30 p.m.

X. ADJOURNMENT

Chairperson Wisdom adjourned the meeting at 4:10 p.m.

Minutes prepared by:

Date:

Donna Strugar-Fritsch